



## Record of the Substance of the Interview

Participants:                      Examiner:              John Hoffmann

Applicant: Sheng-Guo Wang

Date: 08-22-2005

- |      |  |                          |               |
|------|--|--------------------------|---------------|
| I.   | Telephonic.  |                          |               |
| II.  | Applicant expresses his hope to work out together.                                     |                          |               |
| III. | Claims discussed:  | 22, 24-26, 30, 32 and 36 |               |
| IV.  | Identification of prior art discussed:   | Yoshimura (JP)           | US 5073179    |
|      | Urruti (US)  | US 5551967               | Kenmochi (JP) |
|      |  |                          | US 6178778    |
| V.   | Identification of the principal proposed amendments of a substantive nature discussed: |                          |               |

Examiner points out that a specific algorithm is patentable.

Examiner and Applicant mainly discuss the claims on the issue related to 35 USC 112.

Applicant describes his planned amendment and Examiner gives his advice. Applicant will modify Claims. The followings are the results which both Examiner and Applicant agreed amendments to overcome the rejection on 35 USC 112 as briefly listed as follows:

- Claim 22: “the deviations” and “the perform diameters or shape” will be modified to “the deviation” and “the perform diameter or shape”, respectively.
- Claim 24: “their respective deviations” and “the respective nominal values” will be modified to perform deviation, fiber deviation, the predetermined nominal perform value and the predetermined nominal fiber value, respectively.
- Claim 25: “said nominal perform value” and “said nominal fiber value” will be modified to “said predetermined nominal perform value” and “said predetermined nominal fiber value”, respectively.

The phrase “its deviation from the predetermined nominal perform value” is correct because Claim 25 is a dependent claim of Claim 21 in which “a predetermined

nominal perform value” is stated.

- Claim 26: “position” will be changed to “location”.
- Claim 30: “the measurement data” is amended to “the preform measurement and the fiber measurement”.
- Claim 32: The word “(final)” will be deleted.

VI. Brief identification of the general Thrust of the principal arguments presented to the Examiner:

Applicant states that his invention patentably differs from the prior art based on the facts.

Due to the time, Applicant mainly asks advice and discusses the issue related to 35 USC 112 as described above.

The followings are accepted by Examiner after Applicant explained:

- Claim 32: “said control method” (line 5) is allowed after Applicant explained that claim 32 is a dependent claim of claim 30 and “The control method in claim 30” is in line 1 of claim 32.
- Claim 36: Applicant will point out the support in specification for “historical measurement data” and “against the fluctuations of the diameters, time-lag and time-lead of said measurements corresponding to the heating and melting stage” as claimed in claim 36.

The following is further discussed by Examiner and Applicant:

- Examiner and Applicant both agree “the broadest reasonable interpretation of “based on” should come from Dictionary.
- Applicant points out that the term “based on” is an allowable term in US patents.
- Examiner wants applicant to points out examples. Applicant gives Yoshimura, Kenmochi, and Urruti as listed in the previous Reply, and expresses he will give some more briefly in the Reply.
- Examiner says “It doesn’t matter what others allow “based on” language. I would not.”

- Applicant replies: “Yoshimura is allowed to use “based on” and Yoshimura is examined by you [Examiner]. You allowed “base on” language”.

Then Applicant requests Examiner’s further consideration of “based on”.

- Examiner says: “OK.”
- After this talk, Examiner calls Applicant to say that he has not allowed applicant to use “based on”.

VII. General indication of any other pertinent matters discussed:

Applicant respectfully requests Examiner to write an allowable claim pursuant to MPEP 706.03(d) and 707.07(j).

Examiner expresses that applicant should clearly write this request in his reply, then Examiner will write. Examiner indicates that the algorithm is patentable, but now the claims are broad.

VIII. General results or outcome of the interview:

Applicant will submit amended claims and with facts, evidence, explanations and arguments corresponding to the O.A. As applicant states during the interview and in the Replies that the present invention patentably differs from the prior art, Applicant respectfully requests the PTO for reconsideration of the present invention.

Respectfully submitted by the applicant \_\_\_\_\_

Dr. Sheng-Guo Wang

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